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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/766,834

Applicant(s)

BERGEOT ET AL.

Examiner

UMAR CHEEMA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

1. This action is response to the Amendment filed on 07 December 2007. Claims 1-25 are pending with claim 1 as being independent claim. Claims 1-25 have been amended.
2. Applicant's arguments see remarks, filed on 07 December 2007, with respect to the specification and claim objections have been fully considered and are persuasive. The objections to the Specification and claims have been withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayball et al. (Hayball) US Patent # 6,233,610 in view of Wilson US 2002/0029298.

Regarding claim 1, Hayball discloses a management device or arrangement (D) for a communication network (N) which includes a multiplicity of equipment elements (NE-ij), each associated with a primary data management protocol (see abstract, col. 4, lines 29-31, 48-65; managing a network having a plurality of distributed components and

systems), said device or arrangement (D) including mediation means (MM) coupled to said equipment elements (NE-ij) and to functional interface means (MIF) and system interface means (MIS) coupled to a network management system (NMS) (see col. 3, lines 54-65), characterized in that it includes protocol adaptation modules (Pa-j) in number at least equal to the number of management protocols associated with said equipment elements (see col. 3, lines 60-65), and each arranged i) to convert primary data, coming from an equipment element (NE-ij) in accordance with a management protocol, into secondary data adapted to said mediation means (MM), and ii) to convert secondary data, intended for an equipment element (NE-ij), into primary data in accordance with a management protocol adapted to said equipment element, and in that said mediation means (MM) are arranged, on receipt of the primary or secondary data, to determine the associated equipment element (NE-ij) and then to feed the protocol adaptation modules (Pa-j) corresponding to said determined equipment element (see col. 5, lines 60-67; elements for communication of management data).

Hayball disclose substantially the invention as claimed above however does not explicitly discloses wherein said convert primary data, coming from an equipment element (NE-ij) in accordance with a management protocol, into secondary data adapted to said mediation means (MM). However in the same field of invention Wilson includes converting primary data, coming from an equipment element (NE-ij) in accordance with a management protocol, into secondary data adapted to said mediation means (MM) (see abstract, par. 0008, 0009; mediating management system). Therefore it would have been obvious to one of the ordinary skill in the art of networking

at the time of the invention to combine the teaching of Hayball and Wilson for device for the control of heterogeneous equipment in a telecommunication network. Motivation for doing so would have been to allow management of a network having a plurality of distributed components and systems (Hayball: see col. 4, lines 29-31).

Regarding claim 2, Hayball discloses a device or arrangement according to claim 1, characterized in that, on receipt of a request designating one of said equipment elements (NE-ij), said mediation means (MM) are arranged to generate a management information tree (MIT) which is representative of the links of said designated equipment element to other equipment elements in said network (N) (see col. 4, lines 3-16).

Regarding claim 3, Hayball discloses a device or arrangement according to claim 2, characterized in that said mediation means (MM) are arranged, after generating said management information tree (MIT), to configure a graphical user interface (GUI) in accordance with auxiliary data which are representative of said designated equipment element (NE-ij) (see fig. 5, col. 11, lines 52-62).

Regarding claim 4, Hayball discloses a device or arrangement in accordance with claim 2, characterized in that it includes said configurable graphical user interface (GUI) (see fig. 6, lines 13, lines 17-27).

Regarding claim 5, Hayball discloses a device or arrangement according to claim 3,

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characterized in that it includes description modules (MD-p), each associated with at least one of said equipment elements (NE-ij) and including said auxiliary data (see col. 17, lines 11-21).

Regarding claim 6, Hayball discloses a device or arrangement according to claim 5, characterized in that each data description module (MD-p) is composed of at least one descriptor (see col. 17, lines 22-30).

Regarding claim 7, Hayball discloses a device or arrangement in accordance with claim 6, characterized in that each descriptor is composed of at least one program code file and at least one configuration file (see fig. 10, col. 17, lines 31-40).

Regarding claim 8, Hayball discloses a device or arrangement according to claim 7, characterized in that one of said program code files of a descriptor includes first data designating a type to which an equipment element (NE-ij) belongs (see col. 17, lines 11-21), and another of said program code files of said descriptor includes second data designating a management information base definition associated with said equipment element (NE-ij) (see col. 13, lines 52-63).

Regarding claim 9, Hayball discloses a device or arrangement according to claim 3, characterized in that said graphical user interface (GUI) and said mediation means

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(MM) are coupled via a bus (B) of the CORBA type (see fig. 50, col. 29, lines 62-67).

Regarding claim 10, Hayball discloses a device or arrangement according to claim 2, characterized in that it includes said functional interface module (MIF) (see col. 29, lines 48-54).

Regarding claim 11, Hayball discloses a device or arrangement according to claim 10, characterized in that said functional interface module (MIF) includes a provisioning module (PRO), arranged to as to extract on command management information concerning said an equipment element (NE-ij) (see col. 16, lines 54-60) and containing said management information tree (MIT), so as to send these to said equipment (see col. 4, lines 3-16).

Regarding claim 12, Hayball discloses a device or arrangement according to claim 11, characterized in that said provisioning means (PRO) include program code files encapsulated in the north-plug type modules (NP) (see col. 13, lines 52-63).

Regarding claim 13, Hayball discloses a device or arrangement according to claim 11, characterized in that said provisioning means (PRO) are arranged to generate a communication channel (CC) dedicated to the transportation of chosen codes between at least one connection socket and said mediation means (MM) (see col. 17, lines 11-

21).

Regarding claim 14, Hayball discloses a device or arrangement according to claim 11, characterized in that said functional interface means (MIF) include a supervision module (SUP) suitable for allowing said network management system (NMS) to administer said equipment elements (NE-ij) (see col. 17, lines 41-52), and to handle the alarms and events coming from said equipment elements (NE-ij) via said mediation means (MM) (see col. 31, lines 4-14).

Regarding claim 15, Hayball discloses a device or arrangement according to claim 14, characterized in that said supervision module (SUP) is arranged in the form of a public interface of the IDL type (see. col. 13, lines 53-60).

Regarding claim 16, Hayball discloses a device or arrangement according to claim 1, characterized in that it includes said system interface means (MIS) (see col. 31, lines 20-26).

Regarding claim 17, Hayball discloses a device or arrangement according to claim 16, characterized in that said system interface means (MIS) includes a navigation module (NAV) arranged to allow said network management system (NMS) to control said graphical user interface (GUI) and said mediation means (MM) (see fig. 5, col. 11, lines

52-62).

Regarding claim 18, Hayball discloses a device or arrangement according to claim 16, characterized in that said system interface means (MIS) include a persistency module (PER) which is arranged so as to allow the storage in memory of certain information data contained in said management information tree (MIT) and relating to the equipment elements (NE-ij) associated with a chosen level of priority (see col. 4, lines 3-16).

Regarding claim 19, Hayball discloses a device or arrangement according to claim 18, characterized in that said persistency module (PER) includes an application programming interface (PAA) (see col. 31, lines 35-40).

Regarding claim 20, Hayball discloses a device or arrangement according to claim 19, characterized in that said application programming interface (PAA) is of the JDBC type (see col. 31, lines 35-40).

Regarding claim 21, Hayball discloses a device or arrangement according to claim 1, characterized in that at least one of said mediation means, the graphical user interface Module (GUI), the functional interface means (MIF) (MM) and the system interface means (MIS) is composed of program code files (see col. 13, lines 52-63).

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Regarding claim 22, the limitations of this claim has already been addressed (see claim 1 above).

Regarding claim 23, the limitations of this claim has already been addressed (see claim 1 above).

Regarding claim 24, Hayball discloses use of the management device or arrangement (D), the management server (MS), and the network equipment (NE-ij) according to claim 1, in the network technologies which are to be managed (see col. 16, lines 44-53).

Regarding claim 25, Hayball discloses use according to claim 24, characterized in that said network technologies are chosen from a group which includes transmission networks, of the WDM, SONET and SDH types in particular, of data of the Internet-IP and ATM type in particular, and speech of the conventional, mobile and NGN type in particular (see col. 13, lines 38-45, col. 30, lines 41-54).

Response to Arguments

4. Applicant's arguments filed on 07 December 2007 have been fully considered but they are not persuasive. However, because there exists the likelihood of future presentation of this argument, the Examiner thinks that it is prudent to address applicant's main point of contention. Applicant's arguments include:

A. Regarding to claim 1, Applicant argues that Hayball in view of Wilson does not teach or suggest:

1. "a multiplicity of equipment elements is each associated with a primary data management protocol".
2. "mediation means (MM) coupled to said equipment elements (NE-ij) and to functional interface means (MIF) and system interface means (MIS) coupled to a network management system".
3. "protocol adaptation modules (Pa-j) in number at least equal to the number of management protocols associated with said equipment elements".
4. "convert primary data, coming from an equipment element (NE-ij) in accordance with a management protocol, into secondary data adapted to said mediation means (MM), and ii) to convert secondary data intended for an equipment element (NE-ij), into primary data in accordance with a management protocol adapted to said equipment element" and feature "mediation means (MM) are arranged, on receipt of the primary or secondary data, to determine the associated equipment element (NE-ij) and then to feed the protocol adaptation modules (Pa-j) corresponding to said determined equipment elements".

As for Point A, it is Examiner's position that Hayball in view of Wilson disclose substantially:

1. "a multiplicity of equipment elements is each associated with a primary data management protocol (see Hayball: abstract, col. 4, lines 29-31, 48-65; managing a

network having a plurality of distributed components and systems and plurality of application level elements each of which correspond to a function capability of a composite or system, a system being a highest level of composite)".

2. "mediation means (MM) coupled to said equipment elements (NE-ij) and to functional interface means (MIF) and system interface means (MIS) coupled to a network management system (see Hayball: abstract, col. 3, lines 54-65; Wilson abstract, par. 0008; mediation management system that sends management operations addressing managed objects on a management interface)".
3. "protocol adaptation modules (Pa-j) in number at least equal to the number of management protocols associated with said equipment elements (see Hayball: col. 3, lines 54-65; network management system)".
4. "convert primary data, coming from an equipment element (NE-ij) in accordance with a management protocol, into secondary data adapted to said mediation means (MM), and ii) to convert secondary data intended for an equipment element (NE-ij), into primary data in accordance with a management protocol adapted to said equipment element" and feature "mediation means (MM) are arranged, on receipt of the primary or secondary data, to determine the associated equipment element (NE-ij) and then to feed the protocol adaptation modules (Pa-j) corresponding to said determined equipment elements (see Hayball: col. 5, lines 60-67; elements for communication of management data; Wilson: see abstract, par. [0008-0009]; mediation management system that sends management operations addressing managed objects on a management interface)".

Thus it is Examiner's position that Hayball in view of Wilson does teach or suggest all of the limitations of independent claim 1 and its dependent claims and therefore 35 U.S.C 103(a) rejection with regards to claims 1-25 is proper.

5. **Examiner's Note:** Examiner has cited particular paragraphs, figures, columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to UMAR CHEEMA whose telephone number is (571)270-3037. The examiner can normally be reached on M-F 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Jr. Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Uc
/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2144